



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

March 27, 2000

Mr. Thomas P. Balf
Nexus Environmental Partners
One Financial Center
Boston, MA 02111

Dear Mr. Balf:

This letter is a reply to your February 4, 2000 and March 1, 2000 e-mails to Lisa Papetti of EP New England's Office of Environmental Stewardship requesting interpretations of Resource Conservation and Recovery Act (RCRA) regulations. Your questions specifically relate to the generation and transportation of hazardous waste at a campus location:

Question One

A university that is a large quantity generator (LQG) of hazardous waste has a remote location that is a very small quantity generator (VSQG) of hazardous waste. Can the university send RCRA and DOT trained university personnel to the remote facility and transport hazardous waste back to the main accumulation area/LQG?

The federal regulations allow shipments of hazardous waste to entities "authorized to manage hazardous waste" by authorized states. See 40 C.F.R. § 261.5(f)(3)(iii) and (g)(93)(iii).

The State of Vermont is authorized by EPA to implement regulations found at Vermont Regulation Section 7-306(c)(2)(D). This regulation allows a conditionally exempt small quantity generator to ensure delivery of waste to another site in Vermont owned and operated by the same owner as the conditionally exempt small quantity generator that meets the small quantity or large quantity generator standards. Vermont's authorized regulations also allow a conditionally exempt small quantity generator to transport his or her own waste without a permit as long as the generator complies with Section 7-306(c)(3).

EPA is currently working with the Massachusetts Department of Environmental Protection (MA DEP) and New Hampshire Department of Environmental Services (NH DES) to authorize similar regulations in those states.

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Question Two

A private entity is conducting activities in a research building located on property that is contiguous with that of a university/LQG and under the same EPA identification number. Can the university send RCRA and DOT trained university staff to the private entity and transport hazardous waste back to the main accumulation area/LQG? Are there different requirements if the building is a non-university building? Are there different requirements if reimbursement is provided for services?

Transportation of hazardous waste throughout a contiguous property is not required to be accompanied by a manifest and 40 C.F.R § 263 transporter requirements do not apply. The person who identifies themselves as the generator of the waste by use of an EPA identification number also takes responsibility for management of hazardous waste from the time it is generated on-site until it reaches its final destination. This responsibility includes any measures taken to address releases, emergency coordinator duties and training. If a state has issued one EPA identification number to the university and the private entity as a whole, the generator (in this case, the university) remains fully responsible regardless of any business or other agreement made by an entity located on the generator's property.

EPA allows states flexibility in issuance of EPA identification numbers, and some states issue separate numbers to distinct entities at one location. You may want to check with the New England states to clarify the issuance of EPA identification numbers in this scenario. Generators with separate identification numbers are individually responsible for their waste.

If you have any further questions, please contact Lisa Papetti of EP New England's Office of Environmental Stewardship at (617) 918-1756.

Sincerely,

Kevin McSweeney
Associate Director of Waste Policy

cc: K. Rota, EPA-OES D. Sattler, CT DEP
L. Papetti, EPA-OES L. Hellested, RI DEM
G. Gosbee, EPA-OEP S. Ladner, ME DEP
M. Hoagland, EPA-OSRR P. Marshall, VT DEC
J. Fowley, EPA-ORC
J. Miller, MA DEP
J. Duclos, NH DES